

## **Internal Affairs Unit**

### **Case 15-2742**

Prepared by Captain Eve M. Thomas

On April 10, 2015 I met with representatives of the City of Knoxville Law Department regarding a document that they had received that had been submitted by two Knoxville Police Department Employees, Lt. Robert Hembree and Lt. Anthony Willis. The document contained numerous allegations, and some supporting documentation, of violations of the Department's secondary employment policy. It was decided that an Internal Affairs Investigation would be opened to determine the validity and extent of these allegations. That document is included in this file.

The allegations brought forth were mainly focused on two of the department's supervisors, Lt. Doug Stiles and Chief David Rausch and individual documents in the file dating back to 2007. This investigation's main focus is on incidents that have occurred during Chief Rausch's tenure as Chief of Police (March 25, 2011 to present) — other than a few instances where it was necessary to investigate issues brought forth that had potential to affect current or ongoing policy violations.

According to the document submitted and sworn statements obtained from both Lt. Willis and Lt. Hembree, their complaint was the culmination of several situations that they became aware of and that they believed were "ethically wrong." These encompassed a number of factors but focused on several specific situations that they became aware of mainly through discussions within the Department. These included the use of Knoxville Police Department K9s out of state doing work for the Ringling Brothers Circus, the collection of a \$5.00 per hour fee for officers who worked for the Southbound Club in the Old City which was owned by Carleo Entertainment, and the "extraordinary days of absence" by Lt. Doug Stiles which led to the speculation that he may be using on-duty time while being compensated for secondary employment.

This investigation summarily attempts to address the issues/allegations raised in the complaint document and has been divided into seven (7) categories: Circumvention of the Secondary Employment Approval Process, "Scheduling Fees," Leave Issues, Lower's Risk Employment, Carleo Entertainment Employment, Bonnaroo Employment, and Axis Security Employment. In order to provide clarification, the term secondary employment, as it applies to Knoxville Police Department employees, refers to any employment outside the Department. Extra-duty employment refers to employment outside the department which involves the "actual or potential use of law enforcement powers" and off-duty employment refers to employment that does not "require the use of or potential use of law enforcement powers." Also, for

investigatory purposes, all original Secondary Employment Forms, which are kept in the Personnel Section, were requested and received for the years 2008, 2011, 2012, 2013, and 2014.

#### **I. Circumvention of the Secondary Employment Approval Process**

One of the concerns raised in this complaint was the “circumvention of the secondary approval process” which is governed by Knoxville Police Department General Order 1.7. Section III, Subsection C, D and E:

C. Any secondary employment secured by the member/employee must be coordinated with the Personnel Section. In these cases the Personnel Section will ensure that each member/employee completes the “Secondary Employment Form.”

D. The Personnel Section Supervisor will be responsible for the final approval, review and revocation of secondary employment except as otherwise provided in this section.

E. Some special events that utilize sworn personnel for extra-duty assignments may be coordinated and approved by the Chief of Police or designee. Such events may include, but not limited to: U.T. Football Games, Boomsday, Tennessee Valley Fair, etc.

When questioned about officers not using the proper process for secondary employment approval or not completing Secondary Employment Forms, Lt. Cheri Matlock who is the Personnel Section Supervisor, said that as she became aware of secondary employment jobs being worked that had not been approved through her office, she would typically have to “do a little research” and find who was working, where, and in many cases, who was scheduling those jobs. This happened with outside security that was being worked at establishments within the Old City, Market Square, etc. that were commonly referred to as “bars,” as well as Bonnaroo, South College, and others especially prior to 2014 when these issues began to be discussed. Ultimately, it was found that the Chief of Police had approved these jobs, but there was a lack of coordination with the Personnel Section. It is beyond the scope of this investigation and impractical to search out every incident where this has happened, but an example and one of the secondary employment jobs in question, Bonnaroo, an annual music festival held in Manchester, TN. Lt. Matlock indicated in her statement when discussing Bonnaroo that initially “there were a lot of officers who went that we had no knowledge



about...previously.” When asked about Bonnaroo, Lt. Doug Stiles said “We’ve been doing it I guess the last six years or so” and “it’s more or less the same twelve boys and girls that go,” and Sgt. Brian Evans stated he worked for “several years leading up to” last year, but not last year. Chief Rausch said that this extra job came to be when he was deputy chief and “that job was approved by Chief Owen.” Upon completing a review of all secondary employment forms that had been kept on file in the Personnel Section, in 2011 there were six (6) secondary employment forms listing Axis Security or Bonnaroo as the employer, in 2012 there were none (0), in 2013, there were none (0), and in 2014 there were three (3) forms on file.

## **II. The Practice of Charging “Scheduling/Managerial Fees” in Secondary Employment**

As with many other police departments around the country, the Knoxville Police Department has seen increases in the number of secondary employment opportunities available to its employees due to the continued growth of “special events,” both public and private that are outside the scope or capability of regular duty employment as well as private individual and business requests to enhance security. KPD policy allows for these types of outside employment to be evaluated and approved on an individual basis, with ultimate discretion lying with the Chief of Police. General Order 1.7, “Secondary Employment” Section IV, Subsection A. also addresses secondary employment events that require several officers:

3. The rate of pay will be a minimum of \$25 per hour for members working department approved security events. The rate of pay for supervisors who are **supervising** an event will be a minimum of \$30 per hour.

4. Events with four or more officers will require an onsite supervisor (sergeant or above). Span of Control for events requiring multiple officers is four (4) to twelve (12) members, as provided for in the Patrol SOP, with more allowed for short periods dependent upon circumstances. In those situations, the district supervisor shall monitor the event.

What is not addressed in policy is the practice of “scheduling” of secondary employment by officers outside the purview of the Personnel Director. “Scheduling” for the purposes of this investigation, is referred to as an officer who is the “point of contact” for a specific job-whether it is a one-time event or ongoing employment. This officer schedules and manages the off-duty employees who work. Due to the number of secondary employment opportunities/requests and the employers who may wish to have the same officers who are familiar with their business and patrons work for them,



as well as a point of contact who is available to them 24/7, this has become a practice that had yet to be addressed in policy. Additionally, what developed was the practice of some to charge a fee for the scheduling/managerial service in order to account for their time. Investigational reviews of the information sent to the Personnel Director (as required by Administrative Memorandum DBR-14-10) have discovered several ways that officers who “schedule” secondary employment are benefited to include, but not limited to:

- No monies received, but the opportunity to work the job themselves and fill in the gaps, if any, with others.
- Receiving an additional \$5 per hour for each hour they actually spend working at that job.
- \$25 to \$30 per hour spent doing the scheduling function – generally observed to be about 4-8 hours per month.
- \$100 per each one-time “special event.”

One of the practices for collecting “scheduling fees” that was discovered and became a part of this complaint, was the requirement that officers “pay” \$5 per hour worked at a particular job back to the officer who scheduled and managed that job. This had been a common practice for several years for officers who worked as “outside security” for Carleo Entertainment—the owner of several Old City establishments (Southbound, NV, etc.) commonly referred to as “bars.” It should also be noted that officers who were interviewed as part of this investigation said that they were advised of the scheduling fee prior to working and two of the officers who were found, at some point, to have decided to quit paying the “scheduling fee,” continued to be scheduled and worked the jobs. This \$5 per hour fee was, at one time split between Officer Pete Franzen and Chief Rausch and subsequently Lt. Stiles. Officer Franzen said during his interview that he was responsible for the “day to day stuff” which included scheduling the officers and ensuring they showed up to work and Lt. Stiles was responsible for the supervision and any issues that may arise. This practice within the KPD seems to have originated with, then Lieutenant David Rausch and Sergeant Doug Stiles, and was evident in detailed emails regarding the scheduling of secondary employment at the Valarium and Southbound found in this complaint. Chief Rausch stated that this was “standard practice” and that originally, part of the \$5/per hour paid back by the officers was given to the owner of Axis Security, Jon Phillips, who ultimately managed the job. A telephone interview with Mr. Phillips did confirm this practice as standard, not only to Knoxville, but other cities in which he does business. It should be noted that it has been established that the practice of paying for scheduling was discontinued at Carleo Entertainment venues sometime during the Fall of 2014 – about the same time the



hourly rate for secondary employment was raised from \$25 to \$30 per hour (Administrative Memorandum DBR-14-10).

Another issue raised in the complaint was the reference to an invoice that had been sent to KUB in January, 2015 by Sgt. Brian Evans where he had charged a scheduling fee of \$175.00 per day over a 5 day period. The invoice was sent to Lt. Matlock for clarification on where to send the payment. This was ultimately brought to Sgt. Evans' attention and he "revised the order to show actual time worked." There is also a reference to the number of secondary employment jobs scheduled and managed by both Deputy Chief Rausch and Lieutenant Doug Stiles, which is not covered by KPD policy, but may be a concern under General Order 1.7, Section IV, Subsection B, 7: "A member/employee may work a maximum of 40 hours of off-duty or extra-duty employment in any calendar week (Sunday through Saturday) in addition to their primary employment with the Knoxville Police Department. Any hours above 40 must be approved on a case by case basis by the Chief of Police or designee." In practice, this requirement has been found nearly impossible to enforce. An additional concern that lies in not addressing the number of secondary employment jobs that officers are allowed to schedule/manage is the perception of amassing a "powerbase" in reference to available jobs. These concerns, along with several others, are being addressed in a new policy that is currently being reviewed.

### **III. Leave Issues Related to Secondary Employment**

The possibility of KPD employees, and specifically reference to Lt. Doug Stiles, was that employees may be working secondary employment jobs during their regular police department shifts. This is commonly referred to as "double-dipping" or "ghosting." In order to investigate this claim, I was able to find several examples, through email documents where Lt. Stiles was either planning to be or actually had been away from Knoxville, possibly in order to work secondary employment jobs. These dates were then compared to their corresponding KPD payroll documents to determine if Lt. Stiles had been paid for time he was not at work. Discrepancies found included July 25-26, 2013, September 19-23, 2013, and January 23, 2014 where attached documentation indicates Lt. Stiles to be out of town while his payroll sheet listed him as working. It must be noted here that his supervisor, Capt. Gordon Catlett, stated that Lt. Stiles spent a lot of time "outside the routine 8 to 4 time period" and so he was allowed to earn compensatory time. This may account for the discrepancy in time on the KPD payroll sheets since July 25 and 26 are just prior to taking several days of annual leave and the others (September 23, 2013 and January 23, 2014) immediately follow several days of



documented annual leave. While compensatory time is not noted on the KPD bi-weekly payroll sheets, it is documented as having been earned and taken on the end of year "Leave Report." The end of year Leave Reports for 2011, 2012, 2013, and 2014 were carefully examined and indicated that Lt. Stiles had not taken any more leave than to which he was entitled. Finally, two secondary employment invoices were located showing hours worked by Lt. Stiles while he was off duty for a medical procedure and using sick leave. General Order 1.7, Section IV. B. 3. states, "Any member on suspension or *other than regular duty status* will not be eligible for extra-duty employment during that time period."

During his interview, Sgt. Brian Evans said he, "did not work last year" (2014) when referring to secondary employment at Bonnaroo, "and then worked several years up to that." An internet search found the 2013 Bonnaroo dates to be June 13-16. Sgt. Evans is shown on KPD payroll sheets as "working" on June 13, and then annual leave and regular days off for the remainder. In addition, Sgt. Evans did not have secondary employment forms on file in the Personnel Office for 2012 and 2013. Finally, there are four examples of dates where it appears that Sgt. Evans is working out of town for Lower's Risk in a secondary employment capacity. One of the date ranges, September 12-16, 2013 does have a discrepancy in that Sgt. Evans is shown on the KPD payroll sheet as working on September 12, but the remainder of the dates he is either on annual leave or regular days off.

Also alleged in the complaint was that officers were being pulled from their regular duty assignments in order to fill secondary employment open slots-especially those where an hourly fee per officer was being collected so that those individuals who were being paid for scheduling would not lose money. Several supervisors were questioned and said they were never "pressured" to make this happen. Officers do, at times, request leave for these reasons as well as many other reasons, but discretion whether or not to grant leave lies with the direct supervisor and ultimately the District Commander or Captain, as is the case in the Patrol Division.

#### **IV. Lower's Risk and Employment of K9 Officers**

Through the course of this investigation documentation was found confirming that three (3) K9 officers and their K9 partners did travel out of state on four separate occasions during the years 2012 and 2013 in order for the K9s to perform "administrative searches" or "drug sniffs" on circus trains in a secondary employment capacity for Lower's Risk. Through the documentation and interviews conducted as part



of this investigation, a number of issues with this practice have been identified. Initially, the employment of the K9 officers and their handlers was initiated by Lt. Doug Stiles who was already working in a secondary employment capacity for Lower's Risk and was in the direct chain of command for the K-9 Unit. According to the statement given by one of the K9 officers, Darrell Sexton, who is also the KPD K9 Unit Trainer, Lt. Stiles had initially contacted him, "asking if I had any K9 contacts in Columbus, OH" because Lower's Risk wanted a K9 to sweep the train to ensure there were no illegal drugs on it prior to it travelling across the Mexican border. Officer Sexton said that the conversation continued and they discussed the logistics and legalities of using KPD K9 officers and their dogs to do the job. However, when Lt. Stiles was asked why not use the local jurisdiction for that K9 job, he replied, "I don't know ma'am, I never thought of it." Officer Sexton said they discussed getting the Chief's approval in order to take the dogs out of town and that sometime later, Lt. Stiles called back and said, "it's been approved." Following this conversation, three (3) KPD K9 officers and their dogs did travel out of town in order to work for Lower's Risk doing "drug sniffs" on circus trains for Lower's Risk on the following dates:

1. May, 2012 – Columbus, OH
2. June 23, 2012 – Oklahoma City, OK
3. May, 2013 – Columbus, OH
4. July 5-6, 2013 – San Antonio, TX

This job has raised some serious concerns for the Police Department, the first of which being that this employment was never approved. Lt Stiles was given an Oral Reprimand on January 26, 2015 for his "request and use of city resources outside the state of Tennessee without the expressed written permission from the Chief of Police." In his statement Chief Rausch confirms that he had issued this reprimand believing that there had only been a single instance of the K9s being used for Lower's Risk on an out of state trip. He did find out at a later date that there had actually been four separate trips. Also, none of the three K9 officers (Darrell Sexton, Adam Moore and Richard Wallace) filled out Secondary Employment Forms, although each advised during interviews that they were never advised *not* to submit the forms as alleged in the complaint. The uses of the K9s for "administrative searches" or "drug sniffs" was never documented as required per the "Standard Operating Procedure – K-9 Unit" departmental directive. Although there is not specific guidance as to use of the K9's for secondary employment purposes, Section II, Subsection D states:

"Members assigned to the K-9 detail shall be directly responsible for the tactical use of their canine unless directed by supervisory authority. Use of the canine



for any purpose outside the scope of specific services related to those provided by the Knoxville Police Department must be approved by the Division Commander prior to the delivery of those services.”

Additionally, Section III, Subsection C, “Use of K-9 Detail outside the City of Knoxville,” does cite specifics for notifying the Patrol Division Commander and the requirement for submission of a “follow-up report.” It is noteworthy that no documentation of K-9 use for any of these trips was completed, submitted, or placed on file.

As exact dates could only be documented for two (2) of the trips, leave status of the three officers could only be verified for those instances. An invoice to Lower’s and Associates (later changed to Lower’s Risk) was found showing an “onsite date” of June 23, 2012 for Oklahoma City. Officers Sexton and Moore were on regularly scheduled days off. However, Officer Wallace is shown as working on KPD Payroll. The other invoice found was for a trip to San Antonio, TX with dates of July 5-6, 2013. During this time, Officers Moore and Wallace were both listed on KPD payroll as using approved leave, but Officer Sexton was listed as working on July 5, 2013 and regular day off on the 6<sup>th</sup>.

It was also confirmed by all three K9 officers and Sgt. Brian Evans that drugs, in the form of a small amount of marijuana, were found on the very first “administrative search” completed while working for Lower’s in Columbus, OH. Approximately 12 grams of marijuana was found by Officer Richard Wallace’s K9 partner while searching the circus train. Again, there was no documentation of the “hit” or confiscation of the contraband. In fact, when questioned as to what was done with the marijuana, Officer Sexton said that he had kept the marijuana in order to use it for training purposes. In fact, he said that he still had the marijuana in the trunk of his police vehicle at the time of his IAU interview and was told that day to complete confiscation paperwork and take the marijuana to the KPD Property Unit. Confiscation paperwork for the marijuana and pictures are included in this file. When questioned further during his interview about why no paperwork was completed and how he thought he could transport and then use this marijuana for training, Officer Sexton stated that he had a “DEA pharmaceutical license that I’m custodian for the City.” I then contacted the DEA to verify this information and finally made contact with Division Agent David Graham on May 21<sup>st</sup>. Agent Graham said that this license allows the purchase of drugs from the DEA for training purposes and nothing more. He went on to say that what allows a police trainer to possess the drugs is not the license issued by the DEA, but the fact that he is an officer and using the drugs in his official capacity as an officer in order to train police canines. Officer Sexton went on to describe how drugs used for canine training are



obtained (either by court order from seized evidence or from the DEA) and securely stored. In fact, he acknowledged that there is an inventory of his training drugs done by the KPD Audits and Inspections Detail twice per year. Those reports are included in this file. He then went on to say that he had used this marijuana for training, but had never added it into the training inventory, keeping in the trunk of his police vehicle.

Additionally disturbing was Officer Sexton's statement, "what's a little marijuana, you know" when he was describing how it was difficult to keep fresh training drugs. It should be noted that Lt. Stiles, when asked during a subsequent interview, stated that he had no knowledge of the KPD K9s having found the marijuana while working for Lower's Risk until early April of this year when this investigation was formally initiated.

Finally, Lt. Tony Willis said that when he asked Lt. Stiles about sending the K9 officers and their partners out of town to work for the circus, Lt. Stiles stated, "I was hoping no one knew about that." When Lt. Stiles was asked in his interview about that conversation, he stated that the conversation was that Lt Willis had told him that he was going to get those officers in trouble because the K9s belong to the city. Lt Stiles asserts that he then said, "I did not think about that." And that he then stopped using the K9s.

## **V. Carleo Entertainment**

In addition to concerns regarding the aforementioned "scheduling fees" that were collected by KPD supervisors and officers from the officers who worked secondary employment as outside security at Southbound and NV (establishments owned by Carleo Entertainment), is the allegation that, then Deputy Chief David Rausch, may have intervened on Mr. Carleo's behalf in order to have a previously issued city citation dismissed so that Mr. Carleo could obtain a beer permit for another establishment (Carleo's) that he was in the process of opening. Sgt. Tracy Hunter who is the Inspections Unit supervisor said that she did have a conversation with Chief Rausch about the citation issued to Mr. Carleo and that it was a barrier to his obtaining a beer permit, but he never asked her to do anything to assist Mr. Carleo in the process. She did say that weeks later she saw Judge Rosson in Deputy Chief Rausch's office, but did not hear what they were discussing. Chief Rausch in his interview vehemently denied that a conversation regarding Mr. Carleo's citation ever took place between him and Judge Rosson and that the Judge was in his office on numerous occasions simply to discuss Patrol business. When asked in his interview about an email from that he had sent dated May 14, 2013 which states "Dwayne is our guy. We need to reach out to him on this. Sounds like his guy is shopping," Chief Rausch said that he was simply directing Lt. Stiles to discuss an issue regarding security of a new Carleo establishment (The



Wagon Wheel) with Mr. Carleo, "what I'm talking about is Dewayne is the guy in charge of that, that we worked with that was in charge of the establishment."

#### **VI. Bonnaroo Music Festival Secondary Employment**

Bonnaroo is an annual multi-day music festival held in Manchester, TN. As stated by Lt. Stiles, KPD officers have been working at the festival on a secondary employment basis for several years now. The approval process and failure to submit secondary employment forms on a regular basis (or at all) have been discussed above. When asked about Bonnaroo and the duties/responsibilities of KPD employees who work there, both Lt. Stiles and Chief Rausch as well as others said that they are merely t-shirt security using no police powers and turn any criminal issues over to local authorities. When asked about why "flex-cuffs" were used by KPD officers if not to arrest, Lt. Stiles said that they are used "in extreme situations" with people "that are incredibly violent" and who are taken to the police. In reference to the allegation that KPD equipment and vehicles have been taken to Bonnaroo, all of the officers interviewed about this said that it never happened. In fact, one of the officers had used his father's dually truck to pull his camper down for the officers to stay in while working the venue. Apparently this truck resembled a truck that had been confiscated and was being used by the police department at that time and that may be where the allegation originated.

#### **VII. Axis Security, Inc.**

As this investigation progressed and the contents of the complaint file were examined more closely, it became more apparent that then Capt./Deputy Chief Rausch as well as Lt. Stiles had worked secondary employment jobs for a company named Axis Security, Inc. Research done on this company showed it to be a company who provided security for numerous venues in many major cities. Venues in Knoxville included the Tennessee Theater, the Bijou Theater, the Valarium and the "Sundown in the City" concert series. They are listed on their website as the official security provider for AC Entertainment and to be affiliated with Center City Events. Additionally, the Axis Security Facebook page was "liked" by Carleo Entertainment (Section V above). Finally, Axis also provides security for the Bonnaroo Music Festival (mentioned above) and is the employer of KPD officers who work the event as secondary employment. There are also several emails in the complaint files showing correspondence between Capt./Deputy Chief Rausch and Jon Phillips, who is the owner of Axis Security. Emails showing correspondence between Lt. Stiles and Mr. Phillips were also discovered during this investigation. All of this led to



the possibility that Chief Rausch and Lt. Stiles may be working in some capacity for Axis Security. Chief Rausch, when asked on the date of his interview if he was considered an employee, a consultant, or affiliated with Axis Security in any way, responded "No I'm not." Lt. Stiles when asked if he was an employee or a consultant of Axis Security (other than Bonnaroo and Sundown in the City), responded, "No ma'am." Mr. Phillips, in a telephone interview also replied "No" when asked if Chief Rausch may be working or doing some consulting work for him. No further evidence could be found to support this assertion.

#### **VIII. Chief Rausch**

As to the assertion that Chief Rausch may still be scheduling/managing secondary employment and receiving compensation, several emails were discovered showing that just prior to his promotion to Chief of Police he made contact with the employers and notified them of who his replacement would be. During his interview, Chief Rausch acknowledged that he had acquired a number of extra jobs as a result of his being "out there so much, people in the community got to know me and they would ask me to, to assist them." He went on to say that when he got promoted, "there were a number of people I had to pass off and hand off to." He then goes on to name the scheduling/managing of several secondary employment jobs that he gave to other supervisors-including Lt. Doug Stiles. Additionally, an email was located in which Chief Rausch gives direction to Lt. Matlock regarding the approval of bars or other "establishments." In this email he gives Lt. Stiles the ability to deny a location's request for secondary employment and addresses the need for a supervisor to oversee these assignments. Finally, as to the approval of secondary employment at the Pilot Corporation and other establishments or venues, the Chief of Police has the discretion to approve and disapprove secondary employment requests on a case by case basis. Chief Rausch does go into great detail in his interview on his reasons for approving Pilot for secondary employment.

#### **FINDINGS:**

Based upon the review of the initial complaint, all pertinent paperwork, and statements collected, I find the below officers violated the listed policies:

Officer Adam Moore (Sustained Allegations)



1. **Completion/Submission of Secondary Employment Forms (General Order 1.7) –**  
Officer Moore failed to submit a Secondary Employment Form for his off-duty employment work for Lower's Risk in 2012 and 2013.  
(Degree of severity: C)
2. **Use of Canine Outside the Scope of Services Provided by the Knoxville Police Department and Failing to Submit Documentation of the K9 Use (K-9 Unit Standard Operating Procedure) –**  
Officer Moore took his K9 partner out of state (on four occasions) in order to provide services to a secondary employer without approval of the Division Commander and failed to submit a follow-up report.  
(Degree of Severity: C)

**Officer Richard Wallace (Sustained Allegations)**

1. **Completion/Submission of Secondary Employment Forms (General Order 1.7) –**  
Officer Wallace failed to submit a Secondary Employment Form for his off-duty employment work for Lower's Risk in 2012 and 2013.  
(Degree of severity: C)
2. **Use of Canine Outside the Scope of Services Provided by the Knoxville Police Department and Failing to Submit Documentation of the K9 Use (K-9 Unit Standard Operating Procedure) –**  
Officer Wallace took his K9 partner out of state (on four occasions) in order to provide services to a secondary employer without approval of the Division Commander and failed to submit a follow-up report.  
(Degree of Severity: C)

**Officer Darrell Sexton (Sustained Allegations)**

1. **Completion/Submission of Secondary Employment Forms (General Order 1.7) –**  
Officer Sexton failed to submit a Secondary Employment Form for his off-duty employment work for Lower's Risk in 2012 and 2013.  
(Degree of severity: C)
2. **Use of Canine Outside the Scope of Services Provided by the Knoxville Police Department and Failing to Submit Documentation of the K9 Use (K-9 Unit Standard Operating Procedure) –**  
Officer Sexton took his K9 partner out of state (on four occasions) in order to provide services to a secondary employer without approval of the Division Commander and failed to submit a follow-up report.  
(Degree of Severity: C)



**3. Conformance to Laws (Code of Conduct 1.04)**

Officer Sexton did knowingly possess and transport what he believed to be marijuana while working a secondary employment job for Lower's Risk out of state and outside his authority as a police officer.

(Degree of Severity: A)

**4. Transporting, in a City Vehicle, an Illegal Substance (Marijuana) That Was Not Being Held as Evidence or Being Confiscated (Code of Conduct 1.13 C)**

Officer Sexton did knowingly possess and transport in his city vehicle what he believed to be marijuana that was obtained while working a secondary employment assignment for Lower's Risk.

(Degree of Severity: A)

**Sgt. Brian Evans (Policy Failure)**

**1. Completion/Submission of Secondary Employment Forms (General Order 1.7) –**

Sgt. Evans failed to submit a Secondary Employment Form for his off-duty employment work for Axis Security, Inc. (Bonnaroo) in 2012 and 2013.

This allegation is termed a policy failure in that it was not possible to prove that the form had not been submitted and an approving supervisor had not submitted it to the Personnel Section for approval.

**Lt Doug Stiles (Sustained Allegations/Policy Failures)**

**1. Completion/Submission of Secondary Employment Forms (General Order 1.7) –**

Lt. Stiles failed to submit a Secondary Employment Form for his off-duty employment work for Axis Security, Inc. (Bonnaroo) in 2012 and 2013 and 2014.

This allegation is termed a policy failure in that it was not possible to prove that the form had not been submitted and an approving supervisor had not submitted it to the Personnel Section for approval.

**2. Working a Secondary Employment Job While on Sick Leave (FMLA) (General Order 1.7)**

Lt. Stiles was found to be shown as working secondary employment on documentation obtained for this investigation while he was taking sick leave (FMLA) on KPD Payroll sheets. This allegation is termed a policy failure in that General Order 1.7 only addresses actual "extra-duty" employment and not the practice of compensation for the scheduling or managing of a secondary employment job.

**3. Authorizing Use of Canines Outside the Scope of Services Provided by the Knoxville Police Department (K9 Unit Standard Operating Procedure)**



On four occasions Lt. Stiles authorized officers using a K9 partner to provide services to an out of state secondary employer without the expressed written permission of the Chief of Police.

(Degree of Severity: C)

[NOTE: Lt. Stiles has previously been disciplined for one of these occasions with an Oral Reprimand]

**Chief David Rausch (Exonerated)**

No allegations regarding Chief Rausch contained in the complaint could be sustained to any degree.

In addition, I find there to be a **Policy Failure of General Order 1.7 entitled "Secondary Employment"** in that this investigation did not prove the most serious allegations of the complaint submitted to the Law Department by Lt Tony Willis and Lt. Robert Hembree, but it did shed light on the fact that the lack of adherence to several mandates within the policy and allowance of the practices of those who wished to, to take advantage of its shortcomings. Examples include: the practice of collecting scheduling/managerial fees without set limits or procedures, the amassing of numerous secondary employment jobs by individual officers, the ability of subordinate officers to manage and schedule secondary employment jobs that were worked by their superiors, as well as the approval of certain jobs to include establishments commonly referred to as bars. Furthermore, the current policy does not address the issue of the usage of specialty equipment (i.e. police canines) in secondary employment. This has created a perception that impropriety, while it has not as of yet, could easily flourish. As stated previously, the current policy, General Order 1.7, has undergone revision and is in the review process.